

REMARKS/ARGUMENTS

Claims 6-33 are pending, with claims 7-24 withdrawn. Claims 6, 25, and 26 stand rejected over art, and claims 27-33 are objected to. New claims 34 and 35 are added for consideration.

1. Allowed Claims/Subject Matter

Applicant notes with appreciation that the Examiner has indicated the subject matter of claims 27 - 33 are patentable, and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. New claim 34 is intended to correspond to the subject matter of claim 27 or claims 27-29, while new claim 35 is intended to correspond to the subject matter of claim 30 or claims 30-33, but with the claims rewritten in independent form. Accordingly, new claims 34 and 35 are believed to be patentable and in condition for allowance, which is respectfully requested.

2. Specification

The Examiner has indicated the previously proposed amendments to Table I (with one correction pointed out by the Examiner) are acceptable and are not considered to be new matter. Table I is amended accordingly in the present paper, in the amendment to the specification presented above.

6. § 103 Rejections

The Examiner has rejected claims 6, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Kosokabe, et al, U.S. Patent No. 5,747,399, and claims 27-33 stand objected to for dependence from claim 6, a rejected claim. Specifically, Kosokabe, in its broadest ranges, appears to disclose overlapping ranges with those of the present claim 6.

Although overlapping ranges may in appropriate cases constitute prima facie evidence of obviousness, the prima facie showing may be rebutted by a showing that the claimed range achieves an unexpected advantage (MPEP 2144.05). In the present case,

the comparative examples in Table I (as amended herein) show that the claimed range(s) provide an unexpected advantage over the ranges disclosed in the prior art. Specifically, in the last three columns of Table I are listed three prior art compositions, the first of which (labeled "previous borosilicate") is just lightly outside the Kosokabe ranges (79 vs 81% SiO₂), while the second two (labeled Comp. A and Comp. B) are within the Kosokabe ranges, while all of the three fail to provide the benefits of the invention of claim 6, namely, good resistance to devitrification while chemical resistance remains at essentially the same order of magnitude and melting or softening point is kept low. That the comparative compositions fail, particularly on devitrification resistance, is shown by the large increases in CTE from bulk to sintered glass.

It does not appear to be shown in the art of record that the benefit of devitrification resistance with relatively high chemical resistance and relatively low softening was to be expected at the time of the present application from any particular composition within the ranges of Kosokabe, or that the parameters to be adjusted to obtain this combination of benefits were known. Accordingly, it is respectfully submitted that not only does the composition of claim 6 provide an unexpected benefit, but that there does not appear to be disclosure in the art of the particular result-effective variables that might be optimized to achieve the benefits of the present invention. Accordingly, it is respectfully submitted that prima facie obviousness is rebutted in this case, and that claim 6 and the claims depending therefrom (claims 25-33) are in condition for allowance.

7. Conclusion

Based upon the above amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims and a prompt Notice of Allowance thereon.


Applicant believes that a three-month extension of time is necessary to make this Reply timely, and a request for such extension is submitted herewith. Should applicant be in error, applicant respectfully requests that the Office grant such time extension.

Appl. No.: 10/728,523
Amdt. Dated: Sept. 7, 2007
Reply to Office Action of: March 7, 2007


pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Gregory V. Bean at 607-974-2698.

7 Sept 2007
Date

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to the Commissioner of Patents, Alexandria, Va 22313-1450 on <u>7 Sep 07</u>	
 Gregory V Bean	<u>7 Sep 07</u> Date

Respectfully submitted,
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